



24 September 2019

Kush Seafarms Ltd
O'Shea House
New Road
Kenmare
Co. Kerry

Our Ref: T06/179B

**FISHERIES (AMENDMENT) ACT, 1997 (NO.23)
NOTICE OF MINISTERIAL DECISION TO REFUSE AN AQUACULTURE AND
FORESHORE LICENCE.**

Dear Sir,

I would like to inform you that the Minister for Agriculture, Food and the Marine has refused your application for an Aquaculture Licence and Foreshore Licence for the cultivation of oysters using bags and trestles on site T06/179B (see attached information note).

I enclose a copy of the public notice of the decision which **the Department** has arranged to have published in "The Kerryman".

Any person aggrieved by the decision may, in accordance with Section 41 of the Fisheries (Amendment) Act 1997, appeal against it in writing to the Aquaculture Licences Appeals Board. This appeal must be lodged within one month beginning on the date of the publication of the decision.

In addition, a person may question the validity of the Foreshore Licence determination by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>

Yours sincerely

Deirdre Fitzpatrick
Aquaculture and Foreshore Management Division

**S.12 (3) OF THE FISHERIES (AMENDMENT) ACT, 1997(NO.23)
INFORMATION NOTE TO APPLICANT FOR THE PURPOSE OF REGULATION
18 OF THE AQUACULTURE (LICENCE APPLICATION) REGULATIONS 1998**

REFERENCE NO: T06/179B

APPLICANT: Kush Seafarms Ltd

**AQUACULTURE TO WHICH
DECISION RELATES:**

Cultivation of oysters using bags and trestles on site T06/179B on the foreshore within Dunkerron Harbour, Upper Kenmare Bay, Co. Kerry.

NATURE OF DECISION: Refusal of Aquaculture Licence.

DATE OF DECISION: 19 September 2019

REASON FOR REFUSAL:

The Minister for Agriculture, Food and the Marine has determined that it is **not** in the public interest to grant the licence sought. In making his determination the Minister considered those matters which by virtue of the Fisheries (Amendment) Act 1997, and other relevant legislation, he was required to have regard. Such matters include any submissions and observations received in accordance with the statutory provisions. The following are the reasons and considerations for the Minister's determination to refuse the licence sought: -

The waters are not suitable due to the site's close proximity to the Kenmare Waste Water Treatment plant. In the circumstances it would not be appropriate for the Minister to licence this aquaculture site at this time due to the potential issues emerging in relation to food safety.

To be inserted in "The Kerryman".

**FISHERIES (AMENDMENT) ACT, 1997 (NO. 23) FORESHORE ACT, 1933 (NO. 12)
NOTICE OF DECISION TO GRANT/REFUSE AQUACULTURE AND FORESHORE
LICENCES.**

The Minister for Agriculture, Food and the Marine has decided to grant/refuse Aquaculture and Foreshore Licences to the applicants listed in the table below for sites in Outer Kenmare Bay, Co. Kerry:

Site Ref	Applicant	Location	Species & Cultivation	Grant/Refuse
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
T06/179B	Kush Seafarms Ltd	Within Dunkerron Harbour, Kenmare Bay	Oysters in bags on trestles	Refuse
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The reasons for these decisions are elaborated on the Department's website at:
<http://www.agriculture.gov.ie/seafood/aquacultureforeshoremanagement/aquaculturelicensing/aquaculturelicencedecisions/>

An appeal against the Aquaculture Licence decisions may be made in writing, within one month of the date of its publication, to THE AQUACULTURE LICENCES APPEALS BOARD, Kilminchy Court, Portlaoise, Co. Laois, by completing the Notice of Appeal Application Form available from the Board, phone 057 86 31912, e-mail info@alab.ie or website at <http://www.alab.ie/>

A person may question the validity of the Foreshore Licence determinations by way of an application for judicial review, under Order 84 of the Rules of the Superior Court (SI No. 15 of 1986). Practical information on the review mechanism can be obtained from the Citizens Information Board at: <http://www.citizensinformation.ie/>